

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # \_\_\_\_\_

United States of America

USCA NO. 08-3850-CR

-v-

SDNY NO. 08-cr-225

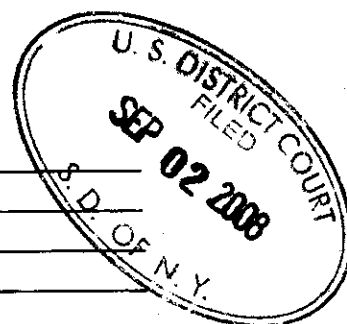
JUDGE: MARRERO

DATE: 9/2/08

Jose Henriquez-Alvarado

INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A  
for the Second Circuit on the 2 Day of Sept, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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United States of America

U.S.C.A. # 08-3850-CR

U.S.D.C. # 08-cr-225

-v-

JUDGE: Mannero

Jose Henriquez-Alvarado

DATE: 9/2/08

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 12, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2 Day of Sept In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>RD</sup> year.

**J. Michael McMahon, Clerk**

By   
Deputy Clerk

APPEAL, CLOSED, ECF, PRIOR

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:08-cr-00225-VM-1**  
**Internal Use Only**

Case title: USA v. Henriquez-Alvarado  
Magistrate judge case number: 1:08-mj-00412-UA

Date Filed: 03/17/2008  
Date Terminated: 08/04/2008

Date Filed	#	Docket Text
02/28/2008	<u>1</u>	COMPLAINT as to Jose Henriquez-Alvarado (1) in violation of 8 U.S.C. 1326(a) & (b)(1). (Signed by Judge Magistrate Judge Theodore H. Katz) (gq) [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/03/2008		Arrest of Jose Henriquez-Alvarado. (gq) [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/03/2008	<u>3</u>	CJA 23 Financial Affidavit by Jose Henriquez-Alvarado. (Signed by Judge Magistrate Judge Ronald L. Ellis) (gq) [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/03/2008	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Jose Henriquez-Alvarado. Fiona Mary Doherty for Jose Henriquez-Alvarado appointed. (Signed by Magistrate Judge Ronald L. Ellis on 3/3/2008)(gq) [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/03/2008	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Fiona Mary Doherty appearing for Jose Henriquez-Alvarado. (gq) [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/03/2008		Minute Entry for proceedings held before Magistrate Judge Ronald L. Ellis:Initial Appearance as to Jose Henriquez-Alvarado held on 3/3/2008. Deft appears with Federal Defender atty Fiona Doherty. AUSA Nicole W. Friedlander present for the gov't. Pretrial Report waived. Detention on consent without prejudice. ( Preliminary Examination set for 3/17/2008 at 10:00 AM before Judge Unassigned.) (gq). [1:08-mj-00412-UA] (Entered: 03/04/2008)
03/14/2008	<u>6</u>	INDICTMENT FILED as to Jose Henriquez-Alvarado (1) count(s) 1. (jm) (Entered: 03/17/2008)
03/14/2008		Case Designated ECF as to Jose Henriquez-Alvarado. (jm) (Entered: 03/17/2008)
03/18/2008		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman:Arraignment on Disposition Sheet as to Jose Henriquez-Alvarado (1) Count 1 held on 3/18/2008. Deft present with atty Fiona Dougherty. AUSA Ms. Freedlander present. Deft arraigned and plead not guilty. Time between today & 4/3/08. Excluded on consent to permit discovery and plea discussions. Govt to make discovery by 4/1/08. (jw) (Entered: 03/24/2008)
03/18/2008		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Plea entered by Jose Henriquez-Alvarado (1) Count 1 Not Guilty. (jw) (Entered: 03/24/2008)
03/19/2008	<u>7</u>	ORDER as to Jose Henriquez-Alvarado as to Jose Henriquez-Alvarado( Status Conference set for 3/28/2008 at 11:15 AM before Judge Victor Marrero.)All parties are advised that an initial conference in this matter before Judge Marrero has been scheduled for March 28, 2008 at 11:15am. Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Individual Practices. SO ORDERED. (Signed by Judge Victor Marrero on 3/19/08)(jw) (Entered: 03/19/2008)
03/28/2008		Minute Entry for proceedings held before Judge Victor Marrero: Pretrial Conference as to Jose Henriquez-Alvarado held on 3/28/2008. Deft Jose Henriquez-Alvarado appeared with defense counsel Fiona Doherty. AUSA Nicole Friedlander appeared for the Govt. Court reporter present. Conference held. Next conference scheduled for 4/18/08 at 11:15 a.m. The Court issued an oral order excluding time from speedy trial calculations until 4/18/08. (bw) (Entered: 04/07/2008)
03/28/2008		ORAL ORDER as to Jose Henriquez-Alvarado. Time excluded from 3/28/08 until 4/18/08. Pretrial Conference set for 4/18/2008 at 11:15 AM before Judge Victor Marrero. (bw) (Entered: 04/07/2008)
04/18/2008		Minute Entry for proceedings held before Judge Victor Marrero: Pretrial Conference as to Jose Henriquez-Alvarado held on 4/18/2008. Deft Jose Henriquez-Alvarado appeared with defense counsel Fiona Doherty. AUSA Nicole Friedlander appeared for the Govt. Court reporter present. Conference held. Next conference scheduled for 5/2/08 at 2:00 p.m. The Court issued an oral order excluding time from speedy trial calculations until 5/2/08. (bw) (Entered: 04/24/2008)
04/18/2008		ORAL ORDER as to Jose Henriquez-Alvarado. Time excluded from 4/18/08 until 5/2/08. Pretrial Conference set for 5/2/2008 at 02:00 PM before Judge Victor Marrero. (bw) (Entered: 04/24/2008)
04/25/2008	<u>8</u>	ORDER as to Jose Henriquez-Alvarado. The Court had scheduled a conference for 5/2/08 at 2:00 p.m. Due to a conflict with the Court's calendar, this conference, at which Defendant now intends to plead guilty, is rescheduled for 5/2/08 at 10:30 a.m. (Signed by Judge Victor Marrero on 4/25/08)(bw) (Entered: 04/25/2008)
04/25/2008		Set/Reset Hearings as to Jose Henriquez-Alvarado: Status Conference set for 5/2/2008 at 10:30 AM before Judge Victor Marrero. (bw) (Entered: 04/25/2008)

05/02/2008		Minute Entry for proceedings held before Judge Victor Marrero: Change of Plea Hearing as to Jose Henriquez-Alvarado held on 5/2/2008. Deft Jose Henriquez-Alvarado appeared with defense counsel Fiona Doherty. AUSA John Cronan appeared for the Govt. Court reporter present. Deft withdrew previous plea of not guilty and entered a plea of guilty to Count One of Indictment 08-Cr-225. The Court accepted deft's guilty plea. Sentencing is scheduled for 8/1/08 at 2:30 p.m. (bw) (Entered: 05/09/2008)
05/02/2008		Change of Not Guilty Plea to Guilty Plea as to Jose Henriquez-Alvarado (1) Count 1. (bw) (Entered: 05/09/2008)
05/02/2008		Minute Entry for proceedings held before Judge Victor Marrero: Plea entered by Jose Henriquez-Alvarado (1) Guilty as to Count 1. (bw) (Entered: 05/09/2008)
05/02/2008		ORAL ORDER as to Jose Henriquez-Alvarado. Sentencing set for 8/1/2008 at 02:30 PM before Judge Victor Marrero. (bw) (Entered: 05/09/2008)
05/16/2008	<u>9</u>	TRANSCRIPT of Proceedings as to Jose Henriquez-Alvarado held on 5/02/08 before Judge Victor Marrero. (ama) (Entered: 05/16/2008)
06/03/2008	<u>10</u>	TRANSCRIPT of Proceedings as to Jose Henriquez-Alvarado held on 4/18/2008 before Judge Victor Marrero. (ama) (Entered: 06/03/2008)
08/01/2008		Minute Entry for proceedings held before Judge Victor Marrero: Sentencing held on 8/1/2008 for Jose Henriquez-Alvarado (1) Count 1. The Court held a conference on 8/1/08. Deft Jose Henriquez-Alvarado appeared with counsel Fiona Doherty. AUSA Nicole Friedlander appeared for the Govt. [See Judgment] (ja); Modified on 8/5/2008 (bw). (Entered: 08/04/2008)
08/04/2008	<u>11</u>	FILED JUDGMENT IN A CRIMINAL CASE as to Jose Henriquez-Alvarado (1). The defendant Jose Henriquez-Alvarado pleaded guilty to Count(s) 1, Imprisonment: 30 months. The Court recommends to the Bureau of Prisons to designate the defendant to be incarcerated in a facility as close as possible to New York City. The defendant is remanded to the custody of the U.S. Marshal. Supervised Release: 3 years. SA: \$100.00. (Signed by Judge Victor Marrero on 8/4/08)(ja) (Entered: 08/04/2008)
08/04/2008	<u>12</u>	NOTICE OF APPEAL by Jose Henriquez-Alvarado from <u>11</u> Judgment. Copies Sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 08/05/2008)
08/05/2008		Appeal Remark as to Jose Henriquez-Alvarado re: <u>12</u> Notice of Appeal - Final Judgment. NO FEE. FEDERAL DEFENDERS OF NEW YORK. (tp) (Entered: 08/05/2008)
08/05/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Jose Henriquez-Alvarado to US Court of Appeals re: <u>12</u> Notice of Appeal - Final Judgment. (tp) (Entered: 08/05/2008)
08/07/2008		USCA SCHEDULING ORDER as to Jose Henriquez-Alvarado related to <u>12</u> Notice of Appeal - Final Judgment filed by Jose Henriquez-Alvarado, USCA Case Number 08-3850-cr. Catherine O' Hagan Wolfe, Clerk USCA. Certified: 8/7/08. Appeal Record due by 8/27/2008. (tp) (Entered: 08/08/2008)
08/07/2008		USCA Case Number 08-3850-cr from the USCA 2nd Circuit as to Jose Henriquez-Alvarado, assigned to <u>12</u> Notice of Appeal - Final Judgment filed by Jose Henriquez-Alvarado. (tp) (Entered: 08/08/2008)
08/12/2008		Judgment entered in money judgment book as #08,1439 as to Jose Henriquez-Alvarado in the amount of \$ 100.00, re:. (jf) (Entered: 08/12/2008)